

## RESPONSE/ARGUMENT

1. Claims 1, 3, 4 and 5 have been amended, consistent with the specification, to clarify and more succinctly define the invention and correct errors. Support for the amendment to base Claim 1 can be found at p. 6, 15-23 and FIG. 1. No new matter has been added.
2. Claims 2 and 10 have been cancelled.

Rejection under 35 USC §112

3. Claim 10 is rejected under 35 USC §112, second paragraph. Claim 10 having been cancelled, the rejection is now moot.

Rejection under 35 USC §102

4. Claims 1-4 and 10 are rejected under 35 USC §102(e) as being anticipated by Liu (2002/0166592).
5. Claim 1 now recites an electrokinetic pump comprising a fluid flow channel comprising patterned microchannels and spaced electrodes disposed on either end of the fluid flow channels, wherein each of said spaced electrodes comprise a unitary electrode in physical contact with each of the plurality of parallel juxtaposed microchannels that comprise the patterned microchannels.
6. Liu discloses an electrode configuration wherein the electrodes are physically separated from the microchannel configuration (cf. FIGs. 1 and 3a) in order to provide a "bubble-free" electrode (col. 3, ¶ 0035 and 0037).
7. It is well settled that a reference can anticipate a claim only if each and every element, as set forth in the claim is found, either explicitly or inherently, as described in the reference. As Applicants have shown

above such is not the case here. Applicants traverse the rejection as being misapplied and request reconsideration and allowance of claims 1-4.

Rejection under 35 USC §103

8. Claims 5, 6-9 and 11 are rejected under 35 USC §103(a) as being unpatentable over Liu, Liu in view of Theeuwes 3,923,426) and Liu in view of Parce (5,995,470).

9. As Applicants have shown above, base Claim 1, from which Claim 5 depends, claims an electrokinetic pump configuration wherein spaced electrodes are unitary electrodes in physical contact with each of the plurality of parallel juxtaposed microchannels that comprise the patterned microchannels. The claimed electrokinetic pump configuration is neither disclosed nor suggested by Liu and, in fact, is directed away from the motivation for the electrode placement disclosed by Liu, i.e., to provide a bubble-free electrode configuration. Since Claim 1 is now allowable over Liu, Claim 5, dependent from Claim 1, is also allowable.

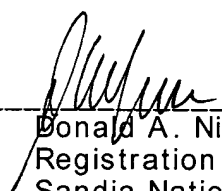
10. Based on the argument above claims 6-9 and 11, dependent from Claim 1, are now also allowable.

## CONCLUSION

11. The rejection of claims 1-4 under 35 USC §102 and 5, 6-9 and 11 under 35 USC §103 having been overcome, Applicants respectfully request reconsideration and withdrawal of the rejection, and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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